

## **PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD**

**MONDAY, NOVEMBER 4, 2002**

**3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II**

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members, Borys, Clement, Kreider, Raser, Spraul-Schmidt, Sullebarger, and Wallace present. Absent: Bloomfield and Senhauser

### **MINUTES**

The minutes of the Monday, October 21, 2002 meeting were approved (motion by Borys, second by Clement).

### **CERTIFICATE OF APPROPRIATENESS AND ZONING VARIANCE 2960-2968 ANNWOOD AVENUE, EAST WALNUT HILLS HISTORIC DISTRICT**

Staff member Adrienne Cowden presented the staff report on this request for a Certificate of Appropriateness and zoning variances for a new single-family residence to be constructed at 2960 – 2968 Annwood Avenue.

Ms. Cowden stated that the project was previously presented to the Board as a preliminary design review in April 2002. Based on comments by the Board, the East Walnut Hills Assembly, and concerned district residents, the house was completely redesigned. Ms. Cowden stated that although there are continued concerns regarding stormwater drainage from adjacent property owners, the new design was acceptable to the Assembly, those who contacted staff, and those attending the pre-hearing held on October 22, 2002.

Ms. Cowden explained two zoning issues with the new design, both regarding the garage. The garage is 15' high; zoning allows a maximum height of 12'-6". Staff found if the pitch of the roof were reduced to meet the zoning code, the garage would be less compatible with the house. In addition, accessory buildings are not permitted in side yards. Issues of stormwater drainage and the existing topography are significant and locating the garage in the rear yard would require a substantial amount of fill and added expense. As proposed, Ms. Cowden stated the location of the garage exhibits an acceptable spatial relationship with the house and the site.

In regards to historic district guidelines, Ms. Cowden stated that the proposed house meets the guidelines for new construction in that it is compatible with homes on Annwood Avenue and the district, pointing out that it contains similar details to residences in the area. Regarding guidelines for site improvements, the proposed construction entails two landscape issues. The first involves the removal of mature trees, which Ms. Cowden pointed out will be mitigated by the introduction of new trees and landscaping as proposed in the preliminary landscape plan. The second involves fill and regrading. Although the site work will alter the existing topography, staff believes it will not adversely impact the property or the character of the district.

Mr. Raser questioned if staff had other drawings showing the residence in the context of the neighborhood. Ms. Cowden referred to a CAGIS contour map, pointing out the location of the project site, stating that it is comparable with other residences in the district with regards to its front and side yard setbacks.

In response to Mr. Raser, Ms. Cowden said she had not seen a geotechnical engineer's report. She stated that Dan Johns, with the Metropolitan Sewer District (MSD) would be reviewing the project, although he has not received the revised drawings. Mr. Forwood stated that Mr. Johns had placed the initial review on hold, waiting for geotechnical information. He added the applicant has indicated they are waiting to see if their revised plan is acceptable prior to revising their site work and providing that information to MSD. Mr. Raser commented that MSD would only review for impact on the City system; the review would have nothing to do with groundwater affect. He explained that it is the applicants' responsibility to examine groundwater affects. Ms. Cowden replied that the applicants are aware of this responsibility.

In that there was not a preliminary landscape available for the Board's review, the applicants described the preliminary design as having a row of new trees in the front with a 12" – 18" boxwood hedgerow between the trees, creating a fence effect. There would be plant beds and numerous large perennials extending to the rear. Mr. Majeski distributed photographs of other Colonial Revival homes in the district, noting one with a 3' – 4' high hedgerow. Ms. Cowden added that a sidewalk is proposed connecting the house to the street and also leading to the driveway. She confirmed that this was a change from the site plan as submitted in the staff report, since staff felt it was important to tie the house in with the neighborhood.

The applicants presented samples of the proposed roof material; a three-dimensional asphalt shingle having the look of slate.

[Mr. Kreider joined the meeting]

Mr. J. Clay Stinnett of 2963 Annwood Avenue questioned to what extent the applicant has responsibility for groundwater issues, beyond those of Stormwater Management and to what extent they have to meet any guidelines. In response to Mr. Sinnett, Mr. Kreider confirmed that if a property owner changes the grade on a property that affects the groundwater drainage on an adjoining site, he is responsible for resulting damage to an adjacent property. Mr. Stinnett responded that the essence of his question was - is there anything the City will do or can do to put any onus on the applicant to assure that no damage will occur? Mr. Raser responded that the reason he asked if there was a geotechnical engineer's report was to ascertain whether an engineering professional had inspected the site to address possible adverse affects on neighboring properties. Additionally, Ms. Clement stated that she proposed that the Urban Conservator be directed to maintain contact with appropriate City agencies to ensure requirements are met.

Mr. Stinnett voiced another concern regarding information that was brought to him the day of the Board meeting showing that the front elevation will not be on grade with the street, as indicated in the staff report. Mr. Damian Billy of 1886 Madison Road was in attendance to present a drawing of a section showing the contour of the site and the street and house elevations. He concluded that the first floor is 4' lower than the street opposite the front entryway. In response to Mr. Raser, Mr. Billy stated contributing houses in the neighborhood have a raised first floor – usually with several steps up to the house. He stated this residence would clearly not fit in with the rest of the neighborhood as currently designed. He clarified that the design fits, but in his opinion, the house sits much too low. Mr. Stinnett agreed, stating that those attending the preliminary hearing understood that the site would be filled to bring the front elevation of the house and the garage up to street grade.

Applicants/Owners Todd and Katrina Majeski were present to respond to questions from the Board. In response to Ms. Sullebarger, Mr. Majeski confirmed that it would be possible to provide more fill, thereby bringing the house and garage up to grade, but questioned the rationale. Builder Bryan Sanneman concurred stating if the house were raised, it would not sit naturally on the site. He explained that raising it up artificially would result in increasing the size and cost of the retaining wall and create more disruption of the site, potentially creating additional water issues.

Ms. Spraul-Schmidt acknowledged others wishing to address the Board. Mr. Rick Donaldson, 2956 Annwood Avenue, did not wish to speak, stating that his issues had been addressed. Mr. Kenneth Segal, 1433 East McMillan, Treasurer of the East Walnut Hills Assembly, commented that even though overall the design has been agreed upon by the neighborhood and the East Walnut Hills Assembly, he felt that for a house of this stature in this neighborhood, there could be more attention to detail. He stated it does not give the appearance of being custom built for the area. Mr. Martin Fryer of 3 Annwood Lane acknowledged that his issues had been addressed, but was still concerned about the issue of whether the house will sit below grade or be brought up to street level.

Designer Mike Studer was present to respond to questions from the Board. Mr. Studer stated his firm made revisions to their original design, responding to concerns that had been raised. They based details of the new design on other houses in the neighborhood, with the intent of blending it in and making it compatible. Mr. Studer said that if the house were raised two feet, the retaining wall behind the motor court would have to be raised. A complaint regarding the original design was that this wall was too prominent. Raising it would make it more prominent and also contribute to the drainage problem. He added that as one raises a foundation and retaining wall higher, incrementally, it becomes more of an engineering problem, which will add costs. The Board considered options to raising the height of the retaining walls including making the driveway steeper and raising the heights of the first and second floors by having higher ceilings.

Ms. Sullebarger clarified the guidelines stating the height of new construction should not significantly differ from the height of nearby contributing buildings, although contours of the building site may help in dictating height. In addition, in considering siting, new structures should be sited with similar setbacks to those of adjacent buildings and should be sited with respect to the current topography. Where applicable, homes should be located to respect views and hillside constraints. Ms. Sullebarger pointed out that current topographic patterns differ on the two sides of Annwood; those on the west side are higher than the street and the subject site on the east side is in a ravine. She stated that while she supports the concerns of the neighborhood, she is also concerned with the intent of the guidelines. Given the existing topographic conditions, it may be appropriate to site the house below the level of the street.

Ms. Borys raised another consideration for the Board. She stated in viewing the photographs of contributing Colonial Revivals homes supplied by the applicant, the proposed residence varies most greatly from these precedents in its roof. The roof is steeper and presents more surface. She added that the concern regarding the front entry to the street is more important overall, than the view of the roof. She concluded that bringing the roof down would decrease its mass as perceived from the street.

Ms. Susan Haas of 3048 Wold Avenue stated that she wished to comment on the issue of the height of the building in relation to the street. She stated that with the exception of a few Tudors and the one the applicant pointed out on Beechcrest, all of the houses are 3 ½ stories high and are ½ story out of the ground. She stated that her biggest concern is that the proposed residence does not have steps up to the front door, which manor houses typically have. Mr. Segal added that both neighboring houses on the same side of the street are level with the street. To maintain a relationship with the surrounding property, the house should be at least level with the street.

Chris Handlin a geotechnical engineer with Thelen Associates was present to address the Board. He differentiated between two concerns he heard expressed regarding surface water and groundwater. He stated that Abercrombie is addressing surface water on the site. The surface water will actually be reduced because it is going to be collected in three catch basins and piped off site. Mr. Handlin said that his company has addressed the groundwater concern. He explained that they excavated three test holes in February; the deepest was about 6-½ feet deep. He described the soil as dense, and not water bearing. He stated that none of the test borings at that time encountered subsurface water, except for one that was excavated in the swale, where there was surface water, so the surface water then dropped into the test hole. He concluded that from an engineering standpoint, there is no groundwater concern.

Mr. Handlin also said that if any groundwater were encountered in construction, provisions would be made to drain those seams. He said a drain is being installed in the basement of the house to relieve any drainage problem. In response to Mr. Raser, he stated he has prepared a written report that describes the test pits they dug, but it does not make specific recommendations other than to say they recommend that fill be placed and the foundation then extended through the fill on a series of drilled piers. It does not address groundwater or surface water. He stated that surface water issues are addressed by the civil engineering plan and groundwater issues do not exist. Mr. Kreider stated the plot plan shows three new catch basins connected by a 15" underground pipe to an existing storm sewer. He asked whether that line was city-owned. Mr. Martin Fryer responded that the storm sewer in question is private and is located on his property and will require a formal easement.

Mr. Donaldson stated that they have only anecdotal evidence that water is migrating below the surface. He displayed a map of the neighborhood pointing to the location of a house that had a large oak tree, which had fallen over. He said that after inspecting the soil, engineers reported that there was groundwater running below the surface, so the soil would not support anything. Mr. Donaldson also pointed out the location of a garage with a basement, which he described as being constantly 6' full of water. Mr. Donaldson stated that he did not believe Mr. Handlin dug in the area where the groundwater enters the lot. While acknowledging that Mr. Handlin dug a few shallow pits, he contended that no pits were 6' deep. Mr. Donaldson expressed concern that if the house is built in the location proposed, with the changes in the grade, they would be damming up an existing valley. He stated that no expert has been found to explain what affect the construction will have. He concluded that he does not believe sufficient research has been done to find out what the flow issues are.

Ms. Borys asked a procedural question: had the Assembly based their judgment on a staff report, which stated that the floor level of the new construction is at the level of the street. Mr. Forwood replied that the staff report was written after the Assembly had met to discuss the project. Ms. Borys stated that the plans the Board was provided do not show topographic considerations completely. The south elevation of the house is shown, but it does not show a true representation at the street. The north elevation with the garage is shown as flat, and in fact, there is a retaining wall there that is not depicted, nor is the topography against that. Ms. Borys stated that since the information is incomplete, the Assembly could not have made a good judgment. Ms. Borys suggested that given the true topography, she saw two options. The finish floor of the house could be raised up or it could be elevated and also moved closer to the street to mitigate the fill aspects.

The Board discuss possibilities regarding the location of the house, citing examples of other homes in the district that sit below the level of the street. Ms. Sullebarger commented that there is a Tudor/Arts and Crafts house on Keys Crescent where the setback is very shallow because it is a hillside site. Mr. Kreider stated the Board had reviewed a garage on Keys Crescent where the house is sited similarly. Mr. Kreider commented that he does not advocate bringing the house closer to the street. Keeping the footprint fairly compact with the house and garage to the northern part of the lot allows for natural topography to exist, possibly alleviating concerns regarding damming up groundwater.

Mr. Kreider stated that taking into consideration Ms. Sullebarger's summary of the guidelines, the current topographic conditions should not be ignored. The design should be compatible with topographic conditions and not detract from neighboring properties. He suggested putting the house on a 2'-3' elevated foundation, so when standing on the street, one would be looking at the front door and not the belt course between the first and second floor. He suggested that doing this may not necessarily involve more fill, and would provide a stronger visual base for the house and a more formal stepped entry. He added that there are examples in the district, particularly on Wold, of garages that are sited on a different elevation than the house. In addition, he suggested considering Ms. Bory's suggestion of mitigating the expanse of the roof, thereby not overfilling the lot or over elevating the house. He cited examples of articulated roofs at 2999 Annwood, 2766 Baker, 1854 Keys Crescent and 2957 Annwood. This would address concerns that Mr. Billy's drawing has raised without requiring the applicant to substantially change the retaining walls or add more fill. Mr. Raser confirmed that having a piered foundation would give more flexibility to elevate the house without incurring considerable cost.

Mr. Majeski stated he did not want the elevation of the garage lower than the house due to security reasons and the inconvenience of steps. Additionally, he suggested he would rather bring the house closer to the street than raise the elevation of the entire house. He stated that they have gone to great expense to address concerns of the Board and neighbors and to make the design compatible with the neighborhood. He expressed hope that the Board would approve the design and they could work through remaining issues with neighbors once they had moved into the residence. Ms. Spraul-Schmidt stated that comments from the Board have been to keep the design within the historic district guidelines. Mr. Majeski responded that elements of the new design match exactly with the guidelines and that the house is appropriate for the neighborhood. Mr. Majeski stated he would prefer not to change the roofline, but would be willing to look at other options.

In addition, Mr. Majeski expressed concern that if the house were raised, the motor court would have to be wider, causing the house and garage to be re-sited. Mr. Studer added that the steps coming out of the kitchen might have to be relocated to allow for an adequate turning radius out of the garage. Mr. Raser suggested that many of these problems are the result of trying to fit a house designed for a flat lot onto a sloping site. One would expect that solutions to the significant topographic considerations would be expensive. The Board's suggestions of raising the house two feet and adding front entry steps, modifying the roofline, and having the garage at a different elevation than the house, would involve very minor expense.

Mr. Kreider acknowledged that the applicant had made significant improvements to the design since the preliminary design review, but stated the design could still be improved. He suggested that this could be done in a committee setting with the subcommittee working out modifications with the applicant. Ms. Clement agreed, commenting that she would particularly like to see the roof revised.

Mr. Raser expressed that there is a legitimate concern about how the house changes the topography of the land, possibly affecting both ground water and surface drainage and questioned if it would be appropriate to ask the applicant to supply the Urban Conservator with their geotechnical report. Mr. Kreider stated the legislation does not give the Board any oversight over those matters; however, the Urban Conservator can be asked to work with other interested City departments that have jurisdiction.

Ely Ryder, with the City Law Department was in attendance and in response to Ms. Spraul-Schmidt, addressed the Board. He stated that Mr. Kreider's statement was an accurate reflection of the jurisdiction of the Board and that, admitting that he had no geotechnical expertise, he presumed that the agencies that do have jurisdiction would see that groundwater conditions are properly addressed and may well propose solutions to enhance the current flows. In response to Mr. Raser, he replied that there is not clear evidence that would warrant the Board taking extraordinary action requesting a geotechnical report be supplied on the pretence that the project could be materially detrimental to the health, safety, and welfare of the public.

Mr. Stinnett stated he believed departments of the City have contradicted Mr. Ryder's statements. He explained that a City department has stated they will not address the groundwater issue, as Mr. Ryder asserted. He questioned how an issue can exist that can have such importance, involving millions of dollars of surrounding property, and have no place to go to get it resolved. Mr. Raser commented that no one is served better by having a qualified geotechnical engineer prepare a very comprehensive report than the owners of the property. Mr. Raser questioned if the applicant would be willing to share the geotechnical report, once it is completed. The applicant responded that they could not comment at this time. Mr. Kreider agreed that if the applicant would be willing to share the report to provide the public access to the information, and not for the Board to pass on the adequacy of the stormwater plan, it would be allowable to have it received by the Urban Conservator.

Mr. Studer questioned if the applicant compromised and raised the house two feet, added formal entry steps, agreed to flatten the roof, could the issues be resolved today. He suggested the Board stipulate the criteria they would like to see addressed so the design could be modified. He stated that he is aware of the neighbors' concerns. Regarding the geotechnical issues, he stated the house would be built according to the geotechnical engineer's recommendations.

Mr. Studer clarified that the entry is recessed. He anticipated keeping the same recess, but having stairs and a landing, and understood that the porch is not counted into the setback, since it is uncovered. In response to Ms. Clement, Mr. Forwood stated that no additional setback and no variance would be necessary for the front steps as long as they were not covered.

#### **BOARD ACTION**

The Board voted unanimously (motion by Clement, second by Borys) to take the following actions:

1. Find that the proposed new residence and detached garage at 2960-2968 Annwood Avenue meet the East Walnut Hills Historic District guidelines and
2. Approve a Certificate of Appropriateness with the following conditions:
  - a. That the site plan be revised to show a sidewalk connection the front entry of the home to the street curb;
  - b. That the roof be redesigned with an articulated hip and be consistent with those in the neighborhood;
  - c. That the finish floor of the first level of the house be raised two feet and an entry step be incorporated into the revised elevation; and
  - d. That final construction drawings and landscape plan be submitted to the Urban Conservator for approval prior to construction;
3. Grant approval of a zoning variance for the height of the garage and its siting, finding that such relief:
  - a. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic, architectural or aesthetic integrity; and
  - c. Will not be materially detrimental to the public health, safety and welfare or injurious to the property in the district or vicinity.
4. Direct the Urban Conservator to maintain contact with Stormwater Management and Building and Inspections to ensure requirements are met.

#### **OTHER BUSINESS**

Assistant City Solicitor Ely Ryder administered the oath of office to the three most recently reappointed members of the Board - Cassandra Clement, Jeffrey Raser, and Carolyn Wallace. Their terms extend to May 31, 2005.

#### **ADJOURNMENT**

As there were no other items for consideration by the Board, the meeting adjourned.

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William L. Forwood  
Urban Conservator

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John C. Senhauser  
Chairman

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Date